

REMARKS

This application has been reviewed in light of the Office Action dated September 2, 2003. Claims 1-53 are pending in this application. Claims 52 and 53 have been added to provide Applicant with a more complete scope of protection. Claims 1, 15, 23, 27, 31, 38, and 45, which are the independent claims, have been amended to define still more clearly what Applicant regards as his invention, in terms that distinguish over the art of record. Favorable reconsideration is requested.

The Office Action rejected Claims 1-36, 38-43, 45-48, 50, and 51 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,271,525 (Majewski et al.), and rejected Claims 37, 44, and 49 under 35 U.S.C. § 103(a) as being unpatentable over Majewski et al. Applicant respectfully traverses these rejections.

Applicant submits that amended independent Claims 1, 15, 23, 27, 31, 38, and 45, together with the remaining claims dependent thereon, are patentably distinct from Majewski et al. at least for the following reasons.

The aspect of the present invention set forth in Claim 1 is an image pick-up apparatus that includes a wavelength converter for converting incident radiation to a light having a wavelength detectable with a photoelectric conversion element on a sensor substrate on which plural photoelectric conversion elements and switching elements are deposited. A flattening layer having a flat face on which the wavelength converter is deposited, is provided between the sensor substrate and wavelength converter.

One notable feature of Claim 1 is that the apparatus includes a flattening layer on which a wavelength converter is deposited.

Majewski et al., as understood by Applicant, relates to mini-gamma camera, camera system, and method of use. The Examiner stated in the Office Action that

Majewski et al. discloses a flattening layer on which a wavelength converter is provided, and stated that the light guide 14 as shown in Figure 1, and described at column 3, lines 55-59, provide support for his assertion regarding the flattening layer, and that the scintillator layer 12 as shown in Figure 2, and described at column 3, lines 40-45, provides support for his assertion regarding the wavelength converter. According to these sections of the specification, scintillator layer 12 may be of any conventional scintillator crystal that will produce adequate response to the required incoming dosage of gamma radiation, the scintillator is Cel(Tl), which is coated with a layer 40 of bonding material such as aluminum oxide in an epoxy matrix, and light guide 14 serves to conduct the visible light produced by scintillator layer 12 in response to incoming gamma radiation to underlying photomultiplier array 16. Applicant submits, however, that nothing has been found in these sections, or any other sections, of Majewski et al. that would teach or suggest an image pick-up apparatus that includes a flattening layer on which a wavelength converter is deposited. ✓

Accordingly, Applicant submits that, at least for this reason, Claim 1 is patentable over Majewski et al.

Independent Claims 15, 23, 27, and new Claim 52, include the same feature of an image pick-up apparatus that includes a flattening layer on which a wavelength converter is deposited, as discussed above in connection with Claim 1. Accordingly, Claims 15, 23, 27, and 52 are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1. In addition, method Claims 31, 38, and 45 include the feature of forming a flattening layer on which a wavelength converter (or a scintillator layer) is deposited, and Applicant submit that these claims are patentable over Majewski et al. at least for this reason.

The other rejected claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

The undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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